

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

| | | |
|--------------------------------|----------|---------------------|
| HOWARD AUBREY, | : | CIVIL ACTION |
| Plaintiff | : | |
| | : | |
| 5. | : | NO. 10-1604 |
| | : | |
| CITY OF BETHLEHEM, FIRE | : | |
| DEPARTMENT | : | |
| Defendant | : | |

ORDER

AND NOW, this 22nd day of February, 2011, upon consideration of the defendant's motion to dismiss (Document #7), the plaintiff's response thereto (Document #10), the reply of the defendant (Document #14), the defendant's supplemental brief (Document #19), and the plaintiff's response (Document #23), it is hereby **ORDERED** that the motion is **GRANTED** in its entirety.

The Clerk of Court is directed to mark this case **CLOSED** for all purposes.

BY THE COURT:

/s/ Lawrence F. Stengel
LAWRENCE F. STENGEL, J.